

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Norris E. Sowada & Irene Sowada,

Plaintiffs,

v.

ORDER

Civil File No. 09-3320 (MJD/LIB)

Jamie Luberts, Morrison County, Kaj
Meinhardt, and the State of Minnesota,

Defendants.

The above-entitled matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, dated March 18, 2011. [Docket No. 49]. Pursuant to statute, the Court has conducted a de novo review of the record, including all transcripts filed and exhibits submitted to the Court. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court **ADOPTS** the Report and Recommendation as clarified below.

Initially, the Court notes that on line 5 of page 11 of the Report and Recommendation the hourly rate should read \$150.00 per hour, as opposed to, 4150.00 per hour. Additionally, on page 11 of the Report and Recommendation, the Magistrate Judge recommends that each Defendant be awarded \$1,050 to

cover attorney's fees and costs associated with bringing the respective motions to enforce the settlement agreement. In this case, there are four defendants, however, Defendants Kaj Meinhardt and the State of Minnesota (the "State Defendants") were represented by the same counsel, and Defendants Jamie Luberts and Morrison County (the "County Defendants") were represented by the same counsel. Rather than award attorneys' fees and costs to each Defendant, the Court finds it appropriate to award these fees and costs in the amount of \$1,050 to the State Defendants and \$1,050 to the County Defendants. If the Court were to award each Defendant \$1,050, the result would be duplicative, because the attorneys' fees and costs incurred by Defendants Meinhardt and the State of Minnesota are in fact the same, as are the fees and costs incurred by Defendants Luberts and Morrison County. Accordingly, the Court will award fees and costs in the amount of \$1,050 to the State Defendants and, \$1,050 to the County Defendants.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation dated March 28, 2011 [Docket No 49] as clarified above.

2. State Defendants' Motion to Enforce Settlement Agreement [Docket No. 33] is **GRANTED**.
3. County Defendants' Motion to Enforce Settlement Agreement [Docket No. 39] is **GRANTED**.
4. Defendants' Request for Sanctions is **GRANTED IN PART** in that the State Defendants and the County Defendants are each awarded \$1,050 for attorneys' fees and costs associated with bringing their respective motions.

Dated: May 16, 2011

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court